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JEFFRY G. LOCKE

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re:

LOHREY ENTERPRISES, INC.

TAX ID # 94-2321063

Debtor

JEFFRY G. LOCKE, Trustee  
Plaintiff

v.

PODIUM FINANCIAL GROUP, INC.  
GSL OF ILLINOIS, LLC; OWENS  
FINANCIAL GROUP INC.  
WILLIAM C. OWENS AS TRUSTEE OF  
THE OWENS TRUST,  
VESTIN MORTGAGE, INC.  
Defendants

Case No. 08-12206

Chapter 7

AP #

**COMPLAINT OF JEFFRY G. LOCKE, TRUSTEE  
FOR INTERPLEADER AND INJUNCTIVE RELIEF**

COMES NOW, Jeffry G. Locke, trustee of the above-referenced bankruptcy estate, and  
alleges in the alternative as follows:

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2. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157.

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1 Docket # 305, and which describes the particular property that was sold (the Order of Sale).

2 10. The Property was sold for the sum of \$4,100,000, of which \$3,979,001.38 was  
3 received by the Trustee on account of the sale, after payment of certain costs of sale (the "Sale  
4 Proceeds").

5 11. The estate sought and obtained an order surcharging the Sale Proceeds with certain  
6 fees and costs, to wit, the sum of \$60,000 payable to the estate of Lohrey Investments, Inc., Case  
7 #09-10007, and the sum of \$561,820 for the present case, leaving the sum of \$3,357,181.38 (the  
8 "Lien Amount") subject to the combined liens of the Defendants. See Order entered on May 26,  
9 2010, Docket # 323 (the "Surcharge Order").

10 12. Pursuant to the Surcharge Order, the Defendants were given 60 days to resolve  
11 their respective claims to the Lien Amount, after which time the Trustee was authorized to file an  
12 interpleader action against the Defendants for the Lien Amount, \$3,357,181.38, in which the  
13 Trustee claims no interest.

14 13. More than 60 days have passed since the entry of the Surcharge Order.

15 14. Defendants have failed to reach an agreement for division of the Lien Amount  
16 and have made conflicting demands upon the Trustee for all or part of the Lien Amount.

17 15. The Trustee therefore brings this action for statutory interpleader pursuant to 28  
18 U.S.C. § 1335 and , alternatively, under Rule 22 of the Federal Rules of Civil Procedure, made  
19 applicable to bankruptcy cases by Rule 7022, Federal Rules of Bankruptcy Procedure.

20 **CLAIM FOR RELIEF**

21 16. Plaintiff incorporates all of the allegations set forth above, as though fully set  
22 forth herein.

23 17. Plaintiff is unable to determine the validity of the conflicting independent  
24 demands made by the defendants as set forth herein, and cannot determine to whom the Lien  
25 Proceeds should be distributed.

26 18. Plaintiff would be subject to multiple liability if the Lien Proceeds was delivered  
27 to any of the Defendants.

28 19. Plaintiff claims no interest in the Lien Proceeds, other than for payment of the

1 costs incurred, and will deposit with the clerk of the Court the amount of cash reflected above,  
2 pursuant to 28 U.S.C. § 1335, and will release any claim to the Lien Proceeds, upon the payment  
3 of the Lien Proceeds to the Clerk.

4 20. Plaintiff has conferred with the Office of the Clerk of the Court, which requests  
5 that an order be entered authorizing the Clerk to accept the Lien Proceeds before the amount is  
6 paid, without which the Clerk will not accept the amount of the interpleader.

7 WHEREFORE the Trustee prays for judgment as follows:

8 (1) That Defendants and each of them be ordered to interplead and litigate their  
9 claims to the Lien Proceeds;

10 (2) That the Trustee be discharged from liability to each of the Defendants with  
11 respect to the Lien Proceeds described herein.

12 (3) That an injunction issue pursuant to 18 U.S.C. § 2361 enjoining any pending or  
13 future proceedings against the Trustee by any and all defendants in any other court related to this  
14 matter;

15 (4) That the Trustee be awarded costs and reasonable attorney fees as determined  
16 by the Court and to be paid to the estate from the described funds hereafter deposited in  
17 accordance with the Court's instructions;

18 (5) That an order be issued directing the Clerk of the Court to accept the Lien  
19 Proceeds in interpleader; and

20 (6) For such other and further relief as the Court deems just and proper.

21 DATED: August 17, 2010

22 STROMSHEIM & ASSOCIATES

23  
24 /s/ Reidun Strømsheim  
25 Attorneys for Plaintiff,  
26 JEFFRY G. LOCKE, Trustee  
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